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For ERECTING an

East = India Company

I N T H A T

K I N G D O M.

E D I N B U R G H,

Printed by the Heirs and Successors of *Andrew Anderson*, Printer to his most Excellent Majesty, 1695. And Re-printed at *London*, for *Sam. Manship* at the Ship in *Corn-hill*, and *Hugh Newman* at the *Grashopper* in the *Poultry*.



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T C A  
OF THE  
PARLIAMENT  
OF  
SCOTLAND

PRINTED BY

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IN THE

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# A C T FOR A C O M P A N Y

TRADING TO

**Africa and the Indies.**

June 26. 1695,

**O**UR SOVERAIGN LORD Taking into His Consideration, that by an Act past in this present Parliament, Intituled, *Act for encouraging of Forraign Trade*; His Majesty for the Improvement thereof, Did with Advice and Consent of the Estates of Parliament Statute and Declare, That Merchants, more or fewer, may contract and enter into such Societies and Companies, for carrying on of *Trade*, as to any subject of Goods or Merchandise to whatsoever Kingdoms, Countries, or parts of the world, not being in War with His Majesty, where *Trade* is in (use to be) or may be followed, and particularly, beside the Kingdoms and Countries of *Europe*, to the East and West-*Indies*, the *Streights*, and to trade in the *Mediterranean*, or upon the Coast of *Affrica*, or in the *Northern* parts, or elsewhere as above: Which Societies and Companies being contracted and entred into, upon the terms, and in the usual manner, as such Companies are set up, and in use in other Parts, consistent always with the Laws of this Kingdom: His Majesty with consent aforesaid, did Allow and Approve, Giving and Granting to them and each of them all Powers, Rights and Priviledges, as to their Persons, Rules and Orders, that by the Laws are given to *Companies* allowed to be erected for Manufactories: And His Majesty for their greater Encouragement, did promise to give to these *Companies*, and each of them his Letters Patent under the great Seal, confirming to them the whole foresaid Powers and Priviledges, with what other Encouragement His Majesty should judge  
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needful, as the foresaid Act of Parliament at more length bears. And His Majesty understanding that several Persons as well *For- roigners as Natives of this Kingdom*, are willing to engage themselves with great sums of money in an *American, Affrican and Indian Trade*, to be exercised in and from this Kingdom, if inabled and incou- raged thereunto by the Concessions, Powers and Priviledges need- ful and usual in such Cases. Therefore, and in pursuance of the foresaid Act of Parliament, His Majesty, with Advice and Consent of the said Estates of *Parliament*, doth hereby make and constitute *John Lord Belhaven, Adam Cockburn of Ormiston, Lord Justice Clerk, Mr. Francis Montgomery of Giffin, Sir John Maxwell of Pollock, Sir Ro- bert Chiesly*, present Provost of *Edinburgh*, *John Swintoun* of that Ilk, *George Clarke* late Baillie of *Edinburgh*, *Mr. Robert Blakewood* and *James Balfour* Merchants in *Edinburgh*, and *John Corfs* Merchant in *Glasgow*, *William Paterson, James Foulis, David Nairn, Thomas Deans* Esquires, *James Chiesly, James Smith, Thomas Couitts, Hugh Frazer, Joseph Cohen D' Azevedo* and *Walter Stewart* Merchants in *London*, with such others as shall joyn with them within the space of ~~twelve~~ months after the first day of *August* next, and all others, whom the foresaid Persons, and these joyned with them or the major part of them being assembled, shall admit and joyn into their Joint-stock and Trade, who shall all be Repute, as if herein originally insert to be one Body Incorporate, and a free Incorpo- ration, with perpetual Succession, by the Name of *The Company of Scotland Trading to Affrica and the Indies*: *Providing always, Likeas*, it is hereby in the first place provided, that of the Fond or capital Stock that shall be agreed to be advanced and imployed by the foresaid Undertakers, and their Co-partners, the half at least shall be appointed and allotted for *Scottish* men within this Kingdom, who shall enter and subscribe to the said Company, before the first day of *August*, One Thousand Six Hundred and Ninety Six Years: And if it shall happen that *Scots* men living within this Kingdom, shall not betwixt and the foresaid Term, subscribe for, and make up the equal half of the said Fond or Capital Stock, then and in that Case allannerly, it shall be, and is hereby allowed to *Scots* men residing abroad, or to *Forraign- ers* to come in, subscribe and be assumed for the superplus of the said half, and no otherwise: *Likeas*, the Quota of every man's part of the said Stock whereupon he shall be capable to enter into the said Company, whether he be Native or *For- raigner*; shall be for the least one hundred *lib. Sterl.* And for the highest or greatest, three thousand *lib. Sterl.* and no more  
 directly



directly nor indirectly in any sort; with Power to the said *Company* to have a common Seal, and to alter and renew the same at their pleasure, *with advice always of the Lyon King at Arms*; as also to plead and sue, and be sued; and to purchase, acquire, possess, and enjoy Lordships, Lands, Tenements, or other Estate real or personal, of whatsoever nature or quality, and to dispose upon and alienate the same, or any part thereof at their pleasure, and that by Transfers and Assignment, made and entered in their Books and Records without any other Formality of Law, *Providing always*, that such Shares as are first subscribed for, by *Scots* men within this Kingdom, shall not be alienable to any other than *Scots* men living within this Kingdom; That the foresaid *Transfers* and *Convoiances* as to Lands and other real Estate (when made of these only and a part) be perfected according to the Laws of this Kingdom anent the Convoyance of Lands and real Rights; with power likewise to the foresaid *Company*, by Subscriptions or otherways, as they shall think fit to raise a joint Stock or capital Fond of such a sum or sums of Money, and under and subject unto such rules, conditions and Qualifications, as by the foresaid *Company*, or major part of them, when *assembled* shall be limited and appointed to begin, carry on and support their intended *Trade of Navigation*, and whatever may contribute to the advancement thereof. *And is hereby declared*, that the said joint Stock or capital Fond, or any part thereof, or any Estate, real or personal, Ships, Goods, or other Effects of and belonging to the said *Company*, shall not be lyable unto any manner of Confiscations, Seizure, Forfaulture, Attachment, Arrest or Restraint, for and by reason of any Embargo, breach of Peace, Letters of mark or reprisal, Declaration of War with any forraign Prince, Potentate, or State, or upon any other account or pretence whatsoever; but shall only be transferable, assignable, or alienable in such way and manner, and in such parts and portions, and under such restriction, rules and conditions, as the said *Company* shall by writing, in and upon their Books, Records and Registers direct and appoint, and these Transfers and Assignments only, and no other shall convoy the right and property, in and to the said joint Stock, and capital Fund and Effects thereof above mentioned, or any part of the same; excepting always, as is above excepted, and that the *Creditors* of any particular Member of the *Company* may by their real diligence affect the share of the Profit falling, and pertaining to the Debitor, without having any further Right or Power of the Debtors Part and Interest in the Stock or capital Fond, otherwise than is above appointed, and with this



this expresse provision, that whatever charges the *Company* may be put to, by the contending of any of their Members deceased, or of their Assignees, Creditors, or any other persons in their Rights: the *Company* shall have retention of their charges and expenses in the first place, and the Books, Records and Registers of the said *Company*, or authentick Abstracts or Extracts out of the same are hereby declared to be good and sufficient for evidents in all Courts of Judicator, and elsewhere. And His Majesty with advice foresaid, farther statutes and declares, that the said *John Lord Belhaven*, *Adam Cockburn* of Ormiston, Lord Justice Clerk, *Mr. Francis Montgomery* of Giffen, *Sir John Maxwell* of Pollock, *Sir Robert Chiesly*, present Provost of *Edinburgh*, *John Swintoun* of that Ilk, *George Clarke* late Baillie of *Edinburgh*, *Mr. Robert Blakewood* and *James Balfour* Merchants in *Edinburgh*, and *John Corss* Merchant in *Glasgow*, *William Paterson*, *James Foulis*, *David Nairn*, *Thomas Deans* Esquires, *James Chiesly*, *James Smith*, *Thomas Coutts*, *Hugh Frazer*, *Joseph Cohen* D'Azevedo and *Walter Stewart* Merchants in *London*, and others to be joined with, or assumed by them in manner above-mentioned, and their Successors, or major part of them assembled in the said *Company*, shall and may in all time coming by the plurality of Votes agree, make, constitute & ordain all such other Rules, Ordinances and Constitutions, as may be needful for the better government and improvement of their joint Stock, or capital Fond in all matters and things relating thereunto: to which Rules, Ordinances and Constitutions all persons belonging to the said *Company* as well Directors as members thereof, Governors or other Officers, civil or military, or others whatsoever shall be subject, and hereby concluded; as also to administrate and take Oaths *de fidei*, and others requisite to the management of the foresaid Stock and *Company*. And the said *Company* is hereby impowred to Equip, Fit, set out Fraught and Navigate their own, or hired Ships, in such manner as they shall think fit, and that for the space of ten years from the date hereof, notwithstanding of the Act of Parliament one thousand six hundred and sixty one years, intituled *Act for encouraging of Shipping and Navigation*, wherewith his Majesty with consent foresaid dispenses for the said time allnerly, in Favours of the said *Company*, and that from any of the Ports or places of this Kingdom [or from any other parts or places in amity, or not in Hostility with His Majesty in warlike or other manner to any Lands, Islands, Countries or Places in Asia, Affrica or America, and there to plant Colonies, build Cities, Towns or Forts in or upon the places not inhabited, or in or upon any other place, by consent

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of the Natives and Inhabitants thereof, and not possess by any European Sovereign, Potentate, Prince, or State, and to provide and furnish the foresaid Places, Cities, Towns, or Forts with Magazines, Ordnance, Arms, Weapons, Ammunition, and stores of War, and by force of Arms to defend their Trade and Navigation, Collonies, Cities, Towns, Forts, and Plantations, and other their effects whatsoever; as also to make Reprisals, and to seek and take reparation of Damage done by Sea, or by Land, and to make and conclude Treaties of Peace and Commerce with the Sovereigns, Princes, Estates, Rulers, Governours, or Proprietors of the foresaid Lands, Islands, Countries, or Places in *Asia*, *Affrica*, or *America*, *Providing always, Likeas*, It is hereby specially provided, That all Ships employed by them shall return to this Kingdom with their effects, under the pain of Confiscation, Forfaulture, and Seizure of the Ship and Goods, in case of breaking of Bulk before their Return, excepting the case of Necessity, for preserving the Ship, Company and Loading allanerly. And His Majesty with Consent foresaid, doth farther Statute and Ordain, that none of the Leidges of this Kingdom shall, or may Trade or Navigat to any Lands, Islands, Countries, or Places in *Asia*, or *Affrica*, in any time hereafter, or in *America*, for, and during the space of thirty one Years, to be counted from the passing of this present Act without Licence and Permission in writing from the said Company; certifying all such as shall do in the contrair hereof, that they shall Forfault and Amit the third part of the Ship or Ships, and of the Cargo or Cargoes therein Employed, or the value thereof, the one half to His Majesty as Escheat, and the other half to the use and benefit of the said Company: For the effectual execution whereof, it shall be lawful to the said Company, or any Employed by them, to sieze the said Ships and Goods in any place of *Asia*, or *Affrica*, or at Sea, upon the Coasts of *Asia* or *Affrica*, upon the transgression aforesaid, by force of Arms and at their own hand, and that without the hazard of incurring any Crime or Delinquencie whatsoever on account of the said Seizure, or any thing necessarily done in prosecution thereof, Excepting always, and without prejudice to any of the Subjects of this Kingdom to Trade and Navigat, during the said space to any part of *America*, where the Collonies, Plantations, or Possessions of the said Company shall not be settled. And it is further hereby Enacted, That the said Company shall have the free and absolute Right and Property, only relieving and holding of His Majesty, and His Successors in Sovereignty for the only acknowledgment of their allegiance, and paying Yearly a Hogshead of Tobacco, in name



of Blench-duty, if required allanerly, in, and to all such Lands, Islands, Collonies, Cities, Towns, Forts, and Plantations, that they shall come to Establish or Possess in manner aforesaid: As also to all manner of Treasures, Wealth, Riches, Profits, Mines, Minerals, Fishings, with the whole Product and Benefit thereof, as well under as above the Ground, and as well in Rivers and Seas, as in the Lands thereto belonging, or from or by reason of the same in any sort, together with the Right of Government, and Admiralty thereof; And that the said Company may by vertue hereof, grant and delegat such Rights, Properties, Powers and Immunities, and permit and allow such sort of Trade, Commerce and Navigation into their Plantations, Collonies, Cities, Towns, or Places of their Possession, as the said Company from time to time shall judge fit and convenient, with power to them to impose and exact such Customs, and other Duties upon and from themselves, and others Trading with, and coming to the said Plantations, Cities, Towns, Places, and Forts, and Harbours thereof, as the Company shall think needful for the maintenance and other publick uses of the same, *Holding* always, and to hold the whole Premises of his Majesty, and his Successors Kings of *Scotland*, as Sovereigns thereof, and paying only for the same their acknowledgment and allegiance with a Hogthead of Tobacco yearly, in name of Blench-Duty if required, for all other Duty, Service, Claim or Demand whatsoever. With power and liberty to the said Company, to Treat for, and to procure and purchase such Rights, Liberties, Privileges, Exemptions, and other Grants, as may be convenient for supporting, promoting and enlarging their Trade and Navigation from any Foreign Potentate or Prince whatsoever, in amity with His Majesty; for which the general Treaties of Peace and Commerce betwixt His Majesty and such Potentates, Princes or States shall serve for sufficient Security, Warrant and Authority, and if contrair to the said Rights, Liberties, Priviledges, Exemptions, Grants or Agreements, any of the Ships, Goods, Merchandize, Persons or other Effects whatsoever, belonging to the said Company, shall be stopt, detained, embezled, or away taken, or in any sort prejudged or damnified; His Majesty promises to interpose his Authority to have restitution, reparation and satisfaction made for the Damage done, and that upon the publick Charge, which His Majesty shall cause depurse, and lay out for that Effect. And farder, it is hereby Statute, that all Ships, Vessels, Merchandize, Goods and other Effects whatsoever, belonging to the said Company shall be free from all manner of Restraints or Prohibitions,



ons, and of all Customs, Taxes, Cesses, Supplies, or other Duties Imposed, or to be Imposed by Act of Parliament, or otherwise, for, and during the space of twenty one Years, excepting likewise the whole Duties of Tobacco and Sugar, that are not of the growth of the Plantations of the said Company. And farther it is Enacted, That the said Company by Commission under their Common Seal, or otherwise as they shall appoint, may make and constitute all and every their Directors, Governours, and Commanders in chief, and other Officers Civil or Military by Sea, or by Land; as likewise that the said Company may Inlist, Inroll, Agree and Retain all such persons Subjects of this Kingdom, or others whatsoever, as shall be willing and consent to enter into their Service or Pay, providing always that they Uplift or Levy none within this Kingdom to be Soldiers, without Leave or Warrant first obtained from His Majesty, or the Lords of His Privy Council, over which Directors, Governours, Commanders in chief, or other Officers civil or military, and others whatsoever in their Service and Pay, the Company shall have the power, command and disposition both by Sea and Land. And it is farther Statute, that no Officer civil or military, or other person whatsoever within this Kingdom, shall Impress, Entertain, Stop or Detain any of the Members, Officers, Servants, or others whatsoever, off, or belonging to the said Company; and in case the said Company, their Officers or Agents shall find or understand any of their Members, Officers, Servants, or others aforesaid to be Impressed, Stopped or Detained, they are hereby authorized and allowed to take hold of, and release the foresaid Person Impressed or Stopped in any part of this Kingdom, either by Land or Water; and all Magistrates and others, His Majesty's Officers civil or military, and all others are hereby required in their respective Stations, to be aiding and assisting to the said Company under the pain of being lyable to all the Loss, Damage, and Detriment of the said Company, by reason of the foresaid Persons their neglect. And farther that the said Company, whole Members, Officers, Servants, or others belonging thereto, shall be free, both in their Persons, Estates and Goods employed in the said Stock and Trade, from all manner of Taxes, Cesses, Supplies, Excises, Quartering of Souldiers Transient or Local, or Levying of Souldiers, or other Impositions whatsoever, and that for and during the space of twenty one Years. And lastly, all Persons concerned or to be concerned in this Company, are hereby declared to be free Denizons of this Kingdom, and that they with all that shall settle to inhabit, or be born in any of the foresaid Plantations,



Plantations, Collonies, Cities, Towns, Factories, and other Places that shall be purchast and posselt by the said Company, shall be reputed as Natives of this Kingdom, and have the Priviledges thereof. And generally without Prejudice of the Specialities foresaid, His Majesty with consent foresaid, gives and grants to the said Company, all Power, Rights and Priviledges, as to their Persons, Rules, Orders, Estates, Goods and Effects whatsoever, that by the Laws are given to Companies allowed to be erected for Manufactories, or that are usually given in any other civil Kingdom, or Common-wealth, to any Company there erected for Trade and Commerce. And for the better Establishment and greater Solemnity of this Act and Gift in favours of the said Company, His Majesty doth farther Ordain Letters Patent to be expedie hereupon, containing the whole Premises under the Great Seal of this Kingdom, for doing whereof *Per Saltum*: Thir Presents shall be sufficient Warrant both to the Director and Chancellor, or Keeper of the Great Seal, as use is in like Cases.

*Extracted furth of the Records of Parliament, by*  
**TARBAT, Cls. Registri.**



